

HOUSE BILL NO. 353

INTRODUCED BY C. HUNTER

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING MINIMUM RATES FOR PAYMENTS FOR YOUTH PLACED IN YOUTH FOSTER CARE HOMES AND KINSHIP FOSTER HOMES; AMENDING SECTION 52-2-603, MCA; AND PROVIDING AN EFFECTIVE DATE."

WHEREAS, approximately 1,800 Montana children were in a foster care placement in fiscal year 2007, with about 1,200 of those children placed in a foster family home or with relatives who provided foster care; and

WHEREAS, families that take a foster care child into their homes see an increase in their food, clothing, recreational, and transportation costs, as well as other expenses related to raising children; and

WHEREAS, a national research study published in 2007 by the University of Maryland School of Social Work, the Children's Rights child welfare advocacy group, and the National Foster Parent Association concluded that Montana's payments to foster care families failed to meet the minimum rates the study determined were necessary to cover foster care expenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 52-2-603, MCA, is amended to read:

"52-2-603. Powers and duties of department. (1) The department shall:

(a) administer all state and federal funds allocated to the department for youth foster homes, kinship foster homes, youth group homes, youth shelter care facilities, child-care agencies, and transitional living programs for youth in need of care, as defined in 41-3-102;

(b) exercise licensing authority over all youth foster homes, kinship foster homes, youth group homes, youth shelter care facilities, child-care agencies, transitional living programs, and youth assessment centers;

(c) collect and disseminate information relating to youth in need of care;

(d) provide for training of program personnel delivering services;

(e) in cooperation with youth care facility providers, develop and implement standards for youth care facilities;

(f) maintain adequate data on placements it funds in order to keep the legislature properly informed of

the following:

(i) the number of youth in need of care in out-of-home care facilities;

(ii) the cost per facility for services rendered;

(iii) the type and level of care of services provided by each facility;

(iv) a profile of out-of-home care placements by level of care; and

(v) a profile of public institutional placements;

(g) administer all funds allocated to the department for residential alcohol and drug abuse treatment for indigent youths in need of care, indigent youths in need of intervention, and indigent delinquent youths who require treatment; and

(h) provide reimbursement for mental health outpatient counseling services for persons who experience the death of a foster child while providing substitute care to the foster child in a youth care facility.

(2) The department may:

(a) enter into contracts with nonprofit corporations or associations or private organizations to provide substitute care for youth in need of care in youth care facilities;

(b) accept gifts, grants, and donations of money and property from public and private sources to initiate and maintain community-based services to youth;

(c) adopt rules to carry out the administration and purposes of this part.

(3) (a) The department shall pay for room, board, clothing, personal needs, and transportation in youth foster care homes and youth group homes for youth who are in the physical or legal custody of the department and who need to be placed in the facilities.

(b) The department shall make the following payments to youth foster homes and kinship foster homes for room, board, clothing, personal needs, and transportation:

(i) \$598 a month for a child from birth through 4 years of age;

(ii) \$685 a month for a child 5 years of age through 13 years of age; and

(iii) \$751 a month for a child 14 years of age or older.

(c) Payments made under subsection (3)(b) must be adjusted each biennium to reflect changes in the consumer price index for urban wage earners and workers, compiled by the bureau of labor statistics of the United States department of labor.

(d) Payments ~~Additional payments~~ for the clothing of a youth placed in a youth foster home must be provided to the extent that the youth needs a basic wardrobe or has a special clothing need.

(e) Upon approval by the department, payments under this subsection (3) may continue for a youth up to 21 years of age who remains in substitute care. Payments under this subsection subsections (3)(a) and (3)(d) may not exceed appropriations for the purposes of this subsection (3).

(4) The department may provide a subsidy for a guardianship of a child who is in the department's legal custody if the guardianship has been approved by the department pursuant to 41-3-444 and in accordance with eligibility criteria established by department rule."

NEW SECTION. **Section 2. Transition.** The department shall phase in the rates established in [this act] over the biennium beginning July 1, 2009. On July 1, 2009, the department shall increase its payment rate for each age category by an amount that represents 50% of the difference between the current rate and the rate established in [this act]. On July 1, 2010, the department shall pay the full rate established in [this act] for each age category.

NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 2009.

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